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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

**NOTIFICATION**

The 25th March 2014

No. 2759—IR-(ID)-115/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 17th February 2014 in I. D. Case No. 18 of 2013 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of Maa Durga Girls' High School, Baripada and its workman Shri Laxmidhar Singh was referred to for adjudication is hereby published as in the schedule below :—

**SCHEDULE**

**IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR**

**INDUSTRIAL DISPUTE CASE NO. 18 OF 2013**

**Dated the 17th February 2014**

***Present :***

Shri P. K. Ray, O.S.J.S. (Sr. Branch),  
Presiding Officer, Industrial Tribunal,  
Bhubaneswar.

***Between :***

The Management of  
Maa Durga Girls' High School,  
Baripada.

.. First Party—Management

And

Its workman,  
Shri Laxmidhar Singh, ex Peon,  
S/o Durga Singh,  
At Lalganj, P.O. Banusabilla,  
P.S. Baripada, Dist. Mayurbhanj.

.. Second Party—Workman

*Appearances :*

Shri Jogendra Singh, Auth. Rept.	.. For the First Party—Management
Shri Laxmidhar Singh	.. For the Second Party—Workman himself

**AWARD**

This case has been instituted under Section 10 (1) (d) of the Industrial Disputes Act, 1947 (for short, the 'Act') on a reference made by the Labour & ESI Department of the Government of Odisha under Section 12 (5) of the Act vide its Letter No. 1051—IR (ID)-115/2012-LESI., dated the 4th February 2013 on the following schedule :—

“Whether the termination of services of Shri Laxmidhar Singh, Peon with effect from the 30th November 2009 by the Secretary, Maa Durga Girls' High School, Lalganj, Baripada is legal and/or justified ? If not, what relief Shri Singh is entitled to” ?

2. The case of the second party workman is that he was serving as a Peon under the first party management from 1994 to 2009 and was retrenched on 30-11-2009 in gross violation of the provisions of natural justice and Section 25-F of the Industrial Disputes Act. Hence, he claims for his reinstatement with all back wages and consequential service benefits.

3. The first party management in its written statement refuting the claim of the second party has stated that at no point of time he was engaged as a Peon under it. Further, on the self same ground he has approached the Hon'ble High Court in W.P.(C) No. 6032 of 2010 which is still sub-judice. Hence, his claim for reinstatement with back wages is devoid of any merit and is not maintainable in this forum.

4. In the aforesaid premises, the issues framed are as follows :—

**ISSUES**

- (i) “Whether the termination of services of Shri Laxmidhar Singh, Peon with effect from the 30th November 2009 by the Secretary, Maa Durga Girls' High School, Lalganj, Baripada is legal and/or justified ?
- (ii) If not, what relief Shri Singh is entitled to” ?

5. In support of his claim the second party workman has examined himself as W.W. No. 1 and filed one documents which has been marked Ext. 1. The first party management, on the other hand, did not participate in the hearing.

**FINDINGS**

6. *Issue Nos. (i) & (ii)*—The second party workman challenging his termination from the post of Peon claims for reinstatement with back wages. The first party management besides refuting the stand of the second party workman that he was appointed as a Peon at any point of time has stated that the second party workman has approached the Hon'ble High Court for the self same cause in W.P. (C) No. 6032 of 2010 which is still sub-judice. The aforesaid averment of the first party management has not been challenged by the second party workman by way of filing any

rejoinder. Since the matter is pending before the Hon'ble High Court for self same ground this Tribunal can not entertain the dispute for adjudication. Therefore, this reference for adjudication made by the State Government is not maintainable in this forum. Consequently, the second party workman is not entitled to any relief in the present proceeding.

The reference is disposed of accordingly.

Dictated and corrected by me.

P. K. RAY  
17-2-2014  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

P. K. RAY  
17-2-2014  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

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By order of the Governor  
R. K. NANDA  
Under-Secretary to Government